

REMARKS

This responds to the Office Action mailed on April 20, 2007.

Claims 3-6, 8- 9, 11-13, and 27 - 29 are amended, claims 2 and 10 are canceled, and no claims are added; as a result, claims 3-9, 11-15, and 27-29 remain pending in this application.

Allowable Subject Matter

Claims 14-15 were allowed.

Claims 5, 8, and 12 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In accordance with Office Action, claim 5 has been rewritten in independent form incorporating all of the limitations of claim 2, the claim upon which claim 5 was dependent. Claims 3, 4 and 6 were amended to make them dependent upon amended claim 5. Claims 7 and 8 are already dependent upon claim 5 through claim 6. With the rewriting of claim 5 in accordance with the conditions of the Office Action, it is now in condition for allowance as are claims 3, 4 and 6-8 which are each dependent claims, either directly or indirectly dependent upon claim 5.

In accordance with the Office Action, claim 12 has been rewritten in independent form incorporating all of the limitations of claim 10, the claim upon which claim 12 was dependent. Claim 11 was amended to be dependent upon amended claim 12. With the Amendments to claims 11 and 12, both claims are now in condition for allowance, since they have been amended in accordance with the conditions for allowance set forth in the Office Action.

§112 Rejection of the Claims

Claims 2 and 27-29 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The limitations of claim 2 were added to claim 5 when it was amended to become an independent claim, in accordance with the conditions set forth in the Office Action. The

informality as to claim 2 was also overcome by that amendment. Claim 2 was itself cancelled since its features are now in claim 5.

The informalities noted as to claims 28 and 29 were dealt with by the amendments suggested in the Office Action.

Reconsideration of the claims as amended and withdrawal of the rejection under 35 USC § 112, second paragraph is respectfully requested.

§102 Rejection of the Claims

Claims 2-4, 6-7, 9-11, 13, and 27-29 were rejected under 35 USC § 102(e) as being anticipated by Kim et al. (U.S. 2004/012827).

As outlined in the section above entitled "Allowable Subject Matter," claims 3-8 and 10-12 are now dependent, directly or indirectly, upon claims that have been amended in accordance with the conditions for allowability stated in the Office Action, leaving only claims 9, 13 and 27-29 at issue and under a 35 USC § 102(e) rejection as being anticipated by Kim et al. (U.S. 2004/012827). Applicant respectfully traverses that rejection as set forth below.

Applicant has amended claim 9 by adding the limitations of dependent claim 12 (prior to its amendment to become an independent claim based upon claim 10). Applicant submits that amending claim 9 by adding the feature of claim 12 that provides that "electrical power for the electro-osmotic pumps is conducted by electrical conductors formed through the electronics chip" patentably distinguishes amended claim 9 from the cited Kim et al published application.

Applicant has amended claim 27 and 28 by adding the limitations similar to those of dependent claim 12 (prior to its amendment to become an independent claim based upon claim 10). Applicant submits that amending claims 27 and 28 by adding that feature which provides that "electrical power for the electro-osmotic pumps is conducted by electrical conductors formed through the electronics chip" patentably distinguishes amended claims 27-28 from the cited Kim et al published application. Claim 29 which is dependent upon claim 28, as a claim dependent upon an allowable independent claim is also believed to be allowable.

Reconsideration of the amended claims and withdrawal of the outstanding rejections is respectfully requested.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited documents or any other documents of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6970) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

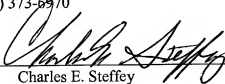
ALAN M. MYERS ET AL.

By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, Minnesota 55402
(612) 373-6970

Date

August 20, 2007

By



Charles E. Steffey
Reg. No. 25,179

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of August 2007.

Name

Amy Moriarty

Signature

